



City of North Port

ORDINANCE NO. 2024-07

1 **AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, CALLING FOR A REFERENDUM**
 2 **QUESTION TO BE PLACED BEFORE THE QUALIFIED ELECTORS OF THE CITY OF NORTH**
 3 **PORT, FLORIDA AT THE NOVEMBER 5, 2024 GENERAL ELECTION; PROVIDING A**
 4 **REFERENDUM QUESTION DETERMINING WHETHER TO AMEND THE CITY CHARTER TO**
 5 **AUTHORIZE THE CITY COMMISSION TO ISSUE DEBT IN CERTAIN CIRCUMSTANCES**
 6 **WITHOUT PRIOR VOTER APPROVAL; PROVIDING FOR THE FULL TEXT OF THE PROPOSED**
 7 **CHARTER AMENDMENT; PROVIDING FINDINGS; PROVIDING FOR AN EFFECTIVE DATE**
 8 **FOR THE NEW CHARTER LANGUAGE IF THE PROPOSED CHARTER AMENDMENT IS**
 9 **APPROVED; PROVIDING FOR THE FILING OF THE ORDINANCE WITH THE SARASOTA**
 10 **COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR PUBLICATION OF THE TEXT OF**
 11 **THE PROPOSED CHARTER AMENDMENT; PROVIDING FOR FILING WITH THE FLORIDA**
 12 **DEPARTMENT OF STATE IF THE PROPOSED CHARTER AMENDMENT IS APPROVED;**
 13 **PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN**
 14 **EFFECTIVE DATE.**

15
 16 **WHEREAS**, pursuant to Florida Statutes Section 166.031 and North Port City Charter Section 8.02, the City
 17 Commission may, by ordinance, submit proposed amendments to the City Charter to the electors; and

18
 19 **WHEREAS**, the Sarasota County Supervisor of Elections advises that the next general election will occur
 20 on November 5, 2024, and to obtain placement on the ballot for the general election, the Supervisor of
 21 Elections has established a deadline of August 6, 2024 for the submission of referendum questions; and

22
 23 **WHEREAS**, on November 8, 2022, the City Commission directed that the City start the process to present
 24 a referendum question on the next election cycle to amend the City Charter to allow the City to incur debt
 25 in the future under certain circumstances; and

26
 27 **WHEREAS**, on December 4, 2023, the City Commission considered several proposed City Charter
 28 amendments related to the City’s authority to incur debt and provided direction for the Charter Review
 29 Advisory Board to review the proposed amendments and to provide recommendations for Commission
 30 consideration; and

31
 32 **WHEREAS**, on December 20, 2023, the Charter Review Advisory Board conducted a publicly noticed
 33 meeting to review and propose amendments to the Charter’s requirements, and the City Commission
 34 considered the advisory board’s input at its March 26, 2024 meeting; and

35

36 **WHEREAS**, the City Commission finds that the City Charter should be amended to authorize the
37 Commission to incur debt during the existence of a declared local, state, or federal emergency or disaster,
38 to remove debris from and to repair or reconstruct any public infrastructure or capital facilities damaged
39 as a direct result of the emergency or disaster; and

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41 **WHEREAS**, the City Commission finds that the City Charter should be amended to authorize the
42 Commission to incur debt to address safety or public health related to regulatory agency requirements,
43 imminent infrastructure or system failure, and capital improvement facilities for emergency and essential
44 services; and

45
46 **WHEREAS**, the City Commission authorizes that this referendum question be placed on the
47 November 5, 2024 ballot for consideration by the City’s electors.

48
49 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:**

50
51 **SECTION 1 – FINDINGS**

- 52
53 1.01 The above recitals are true and correct and are incorporated in this ordinance by reference.
54
55 1.02 Pursuant to Florida Statutes Section 166.041(4)(c), a business impact estimate was not required
56 because this ordinance relates to the issuance or refinancing of debt.
57

58 **SECTION 2 – PROPOSED CHARTER AMENDMENTS**

- 59
60 2.01 In this ordinance, additions are shown as underlined and deletions as ~~striketrough~~. Any
61 additional codification information and notations appear in *italics*. These editorial notations are
62 not intended to appear in the codified text.
63
64 2.02 Article 1 of the North Port City Charter is hereby amended as follows:

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66 **“ARTICLE 1 – CREATION, POWERS, AND CONSTRUCTION**

67 . . .

68 **SECTION 1.02 – Powers.**

69 . . .

70 (b) The City of North Port may borrow money, contract loans, and issue bonds (general obligation
71 or revenue) from time to time to finance the undertaking of any capital or other project for
72 the purposes permitted by the State Constitution and may pledge the funds, credit, property,
73 and taxing power of the municipality for the payment of such debts and bonds. Except as
74 otherwise provided in subsection (c) below, No general obligation or revenue bonds shall be
75 issued by the City of North Port shall not incur debt unless approved by majority vote of the
76 voters of the City of North Port voting on the issuance of those bonds in a primary, general,
77 or special election.

78
79 (c) Without referendum, the City Commission may authorize the City of North Port to borrow
80 money, contract loans, and issue revenue bonds to the full extent permitted by the State
81 Constitution and laws of the State of Florida, as provided in this subsection.
82

83 1. Emergency response. During the existence of a declared local, state, or federal emergency
84 or disaster, to remove debris from and to repair or reconstruct any public infrastructure
85 or capital facilities damaged as a direct result of the emergency or disaster; or

86
87 2. Categories of permissible debt. For safety or public health to address:

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89 (a) Regulatory agency requirements;

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91 (b) Imminent infrastructure or system failure, including but not limited to roads; bridges;
92 water control structures; or sanitation, water, or sewer facilities; and

93
94 (c) Capital improvement facilities for emergency and essential services, including but not
95 limited to facilities for the Police Department, North Port Fire Rescue District, North
96 Port Road and Drainage District, North Port Solid Waste District or Utilities
97 Department.

98
99 ...”

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101 (the remainder of this section is to be renumbered)

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104 **SECTION 3 – REFERENDUM ELECTION CALLED**

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106 3.01 A referendum election is ordered and called to be held throughout the City of North Port, Florida
107 on November 5, 2024. The referendum will be held in conjunction with the City of North Port’s
108 general election for the purpose of submitting to the City’s electors a referendum question as to
109 whether the North Port City Charter should be amended to allow the City Commission to issue
110 debt: (i) to respond to a declared emergency or disaster without voter approval; and (ii) for safety
111 or public health up to a maximum principal amount of twenty-eight million dollars, increasing
112 annually based on the Engineering News and Record (ENR) Construction Cost Index. The
113 referendum question is more particularly set forth below.

114

115 **SECTION 4 – CONDUCT OF REFERENDUM ELECTION**

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117 4.01 The referendum election called by this ordinance will be conducted in the manner prescribed in
118 Florida Statutes Chapters 100, 101, and 102.

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120 4.02 The polling places, election officials, and hours of election for the general election will be the same
121 as those for the general election scheduled to be held within the City of North Port on
122 November 5, 2024.

123

124 **SECTION 5 – FORM OF BALLOT**

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126 5.01 The question pertaining to the adoption of the proposed amendment to the North Port City
127 Charter will be submitted to the qualified electors of the City in substantially the following form,
128 and will be printed on the ballot:

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**OFFICIAL BALLOT
CITY OF NORTH PORT, FLORIDA
NOVEMBER 5, 2024**

**REFERENDUM QUESTION 1 – DEBT ISSUANCE TO RESPOND TO DECLARED
EMERGENCY/DISASTER AND SAFETY/PUBLIC HEALTH**

In Florida, local governments can issue certain debt for various governmental purposes; however, the City Charter requires voter approval before issuing any debt. Do you approve amending the Charter to allow the City Commission to issue debt without prior voter approval: (i) to respond to a declared emergency or disaster, such as a hurricane; and (ii) for safety and public health projects, such as for emergency and essential services, roads, bridges, and sanitation?

- YES – Amend the City Charter**
- NO – Do not amend the City Charter**

SECTION 6 – NOTICE OF ELECTION

- 6.01 The City Clerk is directed make this ordinance available for inspection at the office of the City Clerk and available on the City’s website at www.northportfl.gov.
- 6.02 The City Clerk is directed to publish a notice of the referendum election in a newspaper of general circulation within the City of North Port at least thirty (30) days prior to the date of the election. The notice must be published at least twice, once in the fifth week and once in the third week prior to the week in which the referendum election is to be held. The notice must be in substantially the following form:

NOTICE OF REFERENDUM ELECTION

Notice is hereby given that a referendum election will be held on November 5, 2024, in the City of North Port, Florida to consider the following question:

**REFERENDUM QUESTION 1 – DEBT ISSUANCE TO RESPOND TO
DECLARED EMERGENCY/DISASTER AND SAFETY/PUBLIC HEALTH**

In Florida, local governments can issue certain debt for various governmental purposes; however, the City Charter requires voter approval before issuing any debt. Do you approve amending the Charter to allow the City Commission to issue debt without prior voter approval: (i) to respond to a declared emergency or disaster, such as a hurricane; and (ii) for safety and public health projects, such as for emergency and essential services, roads, bridges, and sanitation?

The complete text of the proposed City Charter amendment is contained in City of North Port Ordinance No. 2024-07. Copies of the ordinance may be inspected and are available

179 at the office of the City Clerk, North Port City Hall, 4970 City Hall Boulevard, North Port,
180 Florida; as well as on the City’s website at www.northportfl.gov.

181
182 The polls will be open at the voting places on the date of the referendum election from
183 7:00 a.m. to 7:00 p.m. All qualified electors of the City of North Port, Florida may vote in
184 said election. Vote-by-mail and early voting will be permitted upon compliance with the
185 applicable provisions of general law.

186
187 Heather Faust, MMC
188 City Clerk
189 City of North Port, Florida

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191 **SECTION 7 – SUPERVISOR OF ELECTIONS TO POST COPY OF ORDINANCE AT EACH POLLING PLACE**

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193 7.01 The Supervisor of Elections shall conspicuously post a copy of this ordinance at each polling place
194 during the hours that the polls are open to consider the referendum.

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196 **SECTION 8 – EFFECTIVENESS OF REFERENDUM RESULTS**

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198 8.01 Returns of the votes cast at the referendum shall be made as required by law.

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200 8.02 If a majority of the votes cast for the referendum question are “YES,” then the referendum
201 question will be approved, and the proposed City Charter amendment will become effective as of
202 12:01 a.m. on the day following certification of the referendum results.

203
204 8.03 If less than a majority of the votes cast for the referendum question are “YES,” then the
205 referendum question will be defeated, the adoption of the proposed City Charter amendment will
206 have failed, and the amendment will not be effective or operative. The referendum question’s
207 defeat will result in all provisions from the current City Charter remaining in full force and effect.

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209 **SECTION 9 – FILING WITH THE SUPERVISOR OF ELECTIONS**

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211 9.01 Upon this ordinance becoming effective, the City Clerk is directed to file a certified copy of this
212 ordinance with the Supervisor of Elections for Sarasota County, Florida, and is authorized to take
213 all appropriate actions necessary to carry into effect and accomplish the electoral provisions of
214 this ordinance.

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216 **SECTION 10 – FILING WITH THE FLORIDA DEPARTMENT OF STATE**

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218 10.01 If the City’s electors approve the referendum question and the proposed City Charter
219 amendment, the City Clerk is directed to file the City Charter amendment with the Florida
220 Department of State in accordance with Florida Statutes Section 166.031(2).

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222 **SECTION 11 – CONFLICTS**

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224 11.01 In the event of any conflicts between the provisions of this ordinance and any other ordinance, in
225 whole or in part, the provisions of this ordinance will prevail to the extent of the conflict.

226 **SECTION 12 – SEVERABILITY**

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228 12.01 If a court of competent jurisdiction finds that any section, subsection, sentence, clause, phrase,
229 or provision of this ordinance is for any reason invalid or unconstitutional, that provision will be
230 deemed a separate, distinct, and independent provision and will not affect the validity of the
231 remaining portions of the ordinance.

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233 **SECTION 13 – EFFECTIVE DATE**

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235 13.01 This ordinance takes effect immediately upon adoption.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida in public session on July 9, 2024.

ADOPTED by the City Commission of the City of North Port, Florida on second and final reading in public session on July 23, 2024.

CITY OF NORTH PORT, FLORIDA

ALICE WHITE
MAYOR

ATTEST

HEATHER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

AMBER L. SLAYTON, B.C.S.
CITY ATTORNEY